

**KX ACQUISITION LP**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

November 12, 1993

Ron Eikens  
General Manager

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W. Room 222  
Washington, D. C. 20554

RE: Comments of KX Acquisition L.P.  
MM Docket No. 93-254

Dear Mr. Caton:

This letter constitutes the Comments of KX Acquisition L.P. ("KX"), licensee of Stations KXLI, St. Cloud, Minnesota, and KXLT-TV, Rochester, Minnesota, in response to the Commission's Notice of Inquiry, FCC 93-459, released October 7, 1993, in MM Docket No. 93-254 (the "NOI").

KX strongly opposes the adoption of any regulation that would limit the amount of commercial matter that may be aired by broadcast stations that are predominantly used for the transmission of sales presentations or program length commercials. KXLI and KXLT-TV are both affiliated with the Home Shopping Network ("HSN") and devote a substantial portion of their broadcast day to the transmission of sales presentation of "home shopping" programming. In addition to HSN programming, the stations also broadcast a variety of local interest and children's programming that serves the public interest. It is fair to say, however, that neither station would be operating today if it were not for the programming supplied by HSN.

As detailed more fully in the Comments that KX filed in MM Docket No. 93-8 (attached as Appendix A), KXLI and KXLT-TV were not financially viable until they became affiliated with HSN. Indeed, as explained in those Comments, a variety of market forces at one time caused the stations to experience such severe financial difficulties that they were forced off the air for a period of nearly two years. (App. A, at 3). It was not until the stations started carrying HSN programming that they finally began to generate marginal revenue in excess of their operating expenses, thereby allowing them to focus more attention on community service rather than simply the question of survival.

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As noted at page 6 of Appendix A, the stations' financial history and experience in the Minneapolis/St. Paul ADI have made it clear that the market is not likely to sustain even one additional station that formats traditional entertainment programming. Consequently, the only way KXLI and KXLT-TV will be able to survive is if they are able to continue programming a home shopping format that sets them apart from the other stations in the market. The implementation of any commercial limit that restricts the stations' ability to carry such programming would effectively spell their death knell.

As the Commission tacitly recognized in its NOI, a sharp distinction can be drawn between stations that broadcast traditional entertainment programming interspersed with commercial matter, and stations that are substantially dedicated to transmitting sales presentations as a distinct programming format. With regard to the former, the viewer typically must digest the sales pitch in order to continue watching the substantive programming. With regard to the latter, the viewer specifically elects to watch the sales presentation as a form of programming itself. Thus, to the extent that the Commission might be concerned that viewers are being compelled to watch excessive levels of commercial material on stations with traditional entertainment formats, it should have no such concern with respect to home shopping stations that air sales presentations which viewers elect to watch as a form of substantive programming.

The Commission has previously recognized that there "is a desire among a significant number of television viewers for home shopping programming." Home Shopping Station Issues, FCC 93-345, released July 19, 1993 (Para. 27). This certainly has been true with regard to KXLI and KXLT-TV, which have developed a substantial audience in their service area during the two years in which they have been HSN affiliates. Likewise, the Commission has found that home shopping stations provide a valuable public service by meeting the specialized needs of

the disabled and others confined to their homes, the elderly, families without time to shop by other means, people without ready access to retail outlets or whose outlets do not stock the goods they want, people without cars or other transportation, people who dislike shopping, and people who are afraid of violent crime in conventional shopping areas.

Home Shopping Station Issues, Supra, at Para. 28. Any regulation that limits the ability of such stations to deliver home shopping programming would eviscerate consumer choice and deprive the public of a valuable and much needed programming service.

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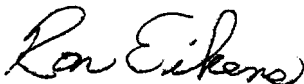
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FEDERAL COMMUNICATIONS COMMISSION  
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In sum, KX submits that if the Commission were to adopt commercial limitations that impede the ability of home shopping stations to deliver a full schedule of home shopping programming, then it would effectively drive stations like KXLI and KXLT-TV out of existence. This, in turn, would deprive the public of the essential service such stations provide, not only through their public interest and children's programming but also through their specialized home shopping programming formats. Thus, should the Commission ultimately decide that restrictions are necessary to reduce the amount of commercial matter that is being aired on stations with traditional entertainment formats, then it should specifically exempt from those limitations stations that identify themselves as having formats that are principally dedicated to the transmission of home shopping programming.

Respectfully submitted,



Ron Eikens  
General Manager

encs.

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Appendix A To Comments Of KX Acquisition L.P.  
In MM Docket No. 93-254

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

March 12, 1993

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington D.C. 20554

Re: Comments on MM Docket No. 93-8  
In the matter of Implementation of Section 4(g) of the  
Cable Television Consumer Protection Act of 1992.  
Home Shopping Station Issues.

Dear Office of the Secretary:

This document constitutes the comments submitted by KX Acquisition LP, licensee of KXLI-TV-41, St. Cloud, Minnesota and KXLT-TV-47, Rochester, Minnesota relative to the Federal Communications Commission's Notice Of Proposed Rulemaking addressing the Home Shopping Station Issues as they relate to the Cable Television Consumer Protection Act of 1992.

**I. OVERVIEW**

KX Acquisition LP strongly advocates the implementation of regulations that will facilitate cable carriage of stations that are "predominantly utilized for the transmission of sales presentations or program length commercials". Neither KXLI nor KXLT would be broadcasting today if it was not for the sales presentation programming provided them by the Home Shopping Network (HSN). The Federal Communications Commission's (FCC) implementation of regulations that will facilitate cable carriage of KXLI/KXLT in their respective markets will allow KXLI/KXLT to again offer their programming alternative to the total universe of TV households they are licensed to serve but have been denied access to by various cable systems.

**II. HISTORY OF KXLI AND KXLT**

The vast majority of funding needed to build KXLI and start construction of KXLT was obtained via debt financing from the Continental Bank of

Illinois. KXLI began broadcasting on November 24, 1982. Initially KXLI was programmed as a typical independent UHF station (i.e. recently syndicated popular series stripped Monday through Friday and movies). Shortly after operations began KXLI initiated a local news program at 10:00 PM CT to compete against the three Minneapolis-St. Paul network affiliates' metro news programs. In addition, KXLI launched a weekly local public affairs program called "Tri-County Journal". In 1985 the Continental Bank of Illinois went into receivership and was taken over by the Federal Deposit Insurance Corporation and all additional funding pledges committed to KXLI/KXLT were terminated. In addition to this financial problem KXLI determined it was at a severe disadvantage competing against the six commercial stations licensed to Minneapolis-St. Paul (Twin Cities) in four areas:

First, the commercial stations licensed to Minneapolis-St. Paul put extreme pressure on the programming syndicators not to sell any programming to KXLI that was already sold to a Minneapolis-St. Paul station because KXLI's signal covered "A LARGE PORTION" of the greater Twin Cities metro area. Even though the FCC classified St. Cloud, Minnesota as a separate market for territorial exclusivity (i.e. main KXLI studio located more than 35 miles [actually 60 miles] from the FCC Minneapolis/St. Paul reference point as listed in section 76.53 of the FCC's Rules & Regulations) it did not protect KXLI from being denied access to syndicated programming that was sold or pledged to the commercial stations licensed to Minneapolis-St. Paul. These commercial stations were very effective in convincing the programming syndicators KXLI was exploiting a technical loophole in the FCC Rules & Regulations in attempting to obtain popular programming they already had under contract.

Second, these same stations put extreme pressure on the TV advertisers not to advertise on KXLI because KXLI's signal covered only "A SMALL PORTION" of the greater Twin Cities metro market. Again, these commercial stations were very effective in convincing the TV advertisers that KXLI's signal could not reach half of the TV households in the greater Twin Cities metro area.

Third, the viewers in KXLI's immediate signal range, even in KXLI's city of license, St. Cloud, overwhelmingly preferred the metro news of the three network affiliates from Minneapolis/St. Paul over the KXLI local news, even though the KXLI news program focused heavily on issues and events within St. Cloud and the immediate vicinity.

Fourth, as the quality of KXLI programming decreased, caused by the financial and syndicator problems previously mentioned, KXLI found itself being dropped by various cable systems which further reduced KXLI's potential viewer universe below that of the other stations serving the greater Twin Cities metro area.

Unable to overcome these problems and the funding shortfall caused by

the demise of the Continental Bank, KXLI's founder sold the stations in mid 1987. The new owners committed more resources to make KXLI a viable TV station. Construction of KXLI's satellite station KXLT-TV-47 licensed to Rochester was completed and KXLT began broadcasting August 10, 1987. The new ownership acquired the broadcast rights of the National Hockey League's Minnesota North Stars. KXLI and KXLT simulcast their first North Star hockey game October 1, 1987. KXLI's and KXLT's carriage of the Minnesota North Stars resulted in KXLI being reinstated on all cable systems serving the greater Twin Cities metro area and KXLT was added to all cable systems in the Rochester area. In addition a new entertainment programming format called "TV Heaven" was launched on April 1, 1988. This new format provided a means to package the older programming the syndicators were willing to sell KXLI/KXLT. These efforts increased KXLI/KXLT's ratings and share and in turn advertising revenue but not to the level necessary for the stations to operate at break-even.

Another blow to KXLI's viability was the result of the FCC allowing the CBS (WCCO) and ABC (KSTP) network affiliates licensed to Minneapolis-St. Paul to acquire their respective network affiliates in Alexandria, Minnesota. On January 1, 1988, Nielsen and Arbitron collapsed the Alexandria ADI/DMA market into the Twin Cities ADI/DMA market which left KXLI licensed to St. Cloud, Minnesota, an island surrounded by Twin Cities stations and their satellites.

In mid 1988, KXLI/KXLT conducted a field strength measurement study that confirmed KXLI's signal was strong enough to be received by most TV receivers in the greater Twin Cities metro area. However, since all eight stations (6 commercial and 2 educational) licensed to Minneapolis-St. Paul transmit from one antenna farm located in Shoreview, Minnesota most home antennas were permanently installed facing Shoreview (Northeast). This significantly reduced the TV viewer's ability to receive a minimum quality KXLI signal transmitted from the Northwest. The result of these difficulties was KXLI/KXLT was unable to continue in business and went off the air December 15, 1988.

KXLI/KXLT remained dark for almost two years. On September 29, 1990, they returned to the air as STAR Television Network affiliates. STAR's life as a tv network was short-lived. To insure KXLI/KXLT would not go dark again they entered into a programming arrangement with a station licensed to Minneapolis-St. Paul on November 3, 1990. During this phase KXLI/KXLT received no revenue and lost all remaining cable carriage, but at least they stayed on the air.

On September 30, 1991, KXLI/KXLT became affiliates of the Home Shopping Network (HSN). This was the first time in the stations' history that revenue exceeded operating costs and KXLI/KXLT could again focus attention on community service programming as opposed to survival. As of this writing KXLI/KXLT have been HSN affiliates for a year and a half and have developed a loyal audience. In fact, the Home Shopping Club

has almost 41,000 members in the KXLI/KXLT viewing area. KXLI/KXLT has no reservations in stating that if it wasn't for the Home Shopping Network they would not be broadcasting today.

### III. OVERVIEW OF THE KXLI & KXLT ADI/DMA MARKETS

#### A. BROADCAST OVERVIEW

##### 1. KXLI

The Minneapolis-St. Paul television market, as defined by both Arbitron and Nielsen rating services, is the thirteenth largest market containing 1,400,500 TV households. The market stretches three hundred and sixty (360) miles from the Iowa border on the south to within seventy (70) miles of the Canadian border on the north. This north-south distance is comparable to the distance between the cities of Washington, D.C. and Hartford, CT. The east-west dimension extends from the state borders of North and South Dakota easterly for approximately two hundred and seventy five (275) miles into the state of Wisconsin seventy five (75) miles. (See attached exhibit A.)

KXLI's Grade B signal covers approximately 940,000 of the TV households in the Minneapolis-St. Paul ADI/DMA providing a 67% coverage of the market. The greater Twin Cities metro area contains approximately 900,000 TV households. KXLI's Grade B signal covers approximately 765,000 of these households providing a 85% coverage of the greater Twin Cities metro area. (See attached exhibit B.)

The Minneapolis-St. Paul ADI/DMA is currently served by the following commercial TV stations:

CITY OF LICENSE	CALL-LETTERS	CHANNEL	NETWORK AFFILIATION
Minneapolis-St. Paul	WCCO	4	CBS
Minneapolis-St. Paul	KSTP	5	ABC
Minneapolis-St. Paul	KMSP	9	Independent
Minneapolis-St. Paul	KARE	11	NBC
Minneapolis-St. Paul	KLGT	23	Independent
Minneapolis-St. Paul	KITN	29	FOX
Minneapolis-St. Paul	KVBM	45	CP
St. Cloud	KXLI	41	HSN
Alexandria	KCCO	7	WCCO satellite
Alexandria	KSAX	42	KSTP satellite
Walker	KCCW	12	WCCO satellite
Redwood Falls	KRWF	43	KSTP satellite

Note that EVERY station is licensed to Minneapolis-St. Paul or is a satellite of a Minneapolis-St. Paul station EXCEPT KXLI in St. Cloud.



As mentioned in the History section the geographic boundaries of the Minneapolis-St. Paul ADI/DMA significantly changed in the fall of 1987 when the FCC approved the purchase of KCMT, (Ch.7) Alexandria and it's satellite KNMT, (Ch.12) Walker by WCCO, (Ch.4) Minneapolis-St. Paul. Shortly thereafter, both KCMT and KNMT were converted to satellites of WCCO, and this in turn caused the dissolution of the Alexandria ADI/DMA and the incorporation of its approximate sixty thousand (60,000) TV households into the Minneapolis-St. Paul ADI/DMA on January 1, 1988. As listed in the previous chart KSTP, (Ch.5) Minneapolis-St. Paul also operates full power satellites in Alexandria KSAX, (Ch.42) and KRWF, (Ch.43) in Redwood Falls.

## 2. KXLT

The Rochester/Austin/Mason City television market, as defined by both Arbitron and Nielsen rating services, is the 147th ranked market containing 140,000 TV households. KXLT's Grade B signal covers approximately 50,000 of the TV households in the market providing a coverage of 36%. The Rochester metro area (i.e. Olmsted county) contains 42,000 TV households of which KXLT's Grade B signal covers 100%. (See attached exhibit C.)

The Rochester, MN-Austin, MN-Mason City, IA ADI/DMA is currently served by the following commercial TV stations:

CITY OF LICENSE	CALL-LETTERS	CHANNEL	NETWORK AFFILIATION
ROCHESTER	KTTC	10	NBC
ROCHESTER	KXLT	47	HSN
AUSTIN	KAAL	6	ABC
MASON CITY	KIMT	3	CBS

Due to the distance between the three primary towns within the ADI/DMA, over the air viewing in any one town is limited to only those stations licensed to that town.

## B. CABLE OVERVIEW

### 1. KXLI

Cable penetration in the Minneapolis-St. Paul ADI/DMA is currently estimated at 46% by the Arbitron and Nielsen rating services, 636,000 cable households out of a universe of 1,400,500 TV households. It is projected to exceed 50% by the end of 1996. With every station serving the market licensed to Minneapolis-St. Paul other than KXLI they are provided carriage by every cable system that serves the greater Twin Cities metro area while KXLI is no longer provided carriage by any. In fact, both KXLI and KXLT have even been denied carriage by the cable systems that service their respective cities of license.

## 2. KXLT

Cable penetration in the Rochester/Austin/Mason City ADI/DMA is currently estimated at 59% by the Arbitron and Nielsen rating services, 83,000 cable households out of a universe of 140,000 TV households. This is somewhat misleading because 80%+ of the TV households in the ADI/DMA are concentrated within the immediate vicinity of the three primary towns the ADI/DMA is named after. Cable penetration within KXLT's Grade B signal range is closer to 85%.

## 3. MUST CARRY REINSTATEMENT IMPACT STUDY

As stated in the History section KXLI/KXLT attained maximum cable carriage when they had the broadcast rights of the Minnesota North Stars hockey games in 1987 & 1988. Now that KXLI/KXLT are Home Shopping Network affiliates they have either been denied reinstatement or dropped from carriage by every cable system in their respective markets.

Due to the possibility of Must Carry being reinstated for KXLI/KXLT as part of Cable Television Consumer Protection Act of 1992, KXLI/KXLT conducted a study using the 1993 TELEVISION & CABLE FACTBOOK. This study indicates KXLI/KXLT would be reinstated on approximately 91 cable systems. These 91 cable systems pass 1,008,000 TV households and currently have 514,500 subscribers. Assuming the vast majority of cable subscribers do not have or use A/B switches and if Must Carry is afforded KXLI/KXLT it is estimated the KXLI potential viewing audience would double. Likewise, since cable subscribers are 85% of homes passed in Olmsted county KXLT's potential viewing audience would increase fivefold.

Also, an analysis of the cable systems that reported their respective channel capacity and channels "not used" data to the TELEVISION & CABLE FACTBOOK indicates the vast majority currently have open channels available to carry KXLI/KXLT.

## C. SUMMARY

The past history of KXLI and the three reorganizations of KLGT (Ch.23) (including a Chapter 11 reorganization) support the premise that the Minneapolis/St.Paul market (being only the 13th market in size) cannot support 7 and possibly 8 full power commercial TV stations serving the metro area with traditional entertainment programming formats. By changing its programming format to primarily sales presentations KXLI/KXLT has survived. A television station can only serve the public interest if it's in existence. KXLI/KXLT has been able to survive ONLY by providing the public a programming format different from that offered by the other stations serving their respective markets. KXLI/KXLT's ability to survive in a free market environment primarily due to product sales made to its viewers constitutes serving the public interest. Almost 41,000 viewers of KXLI/KXLT have purchased products

and services offered by the Home Shopping Network and KXLI/KXLT should be granted the right to offer their programming choice to ALL viewers in the markets they are licensed to serve. This point is most clearly evident when one understands that, as a practical matter, KXLT is unavailable to 85% of the TV viewers in its own city of license who are cable subscribers.

#### IV. PUBLIC SERVICE PROGRAMMING

##### A. OVERVIEW

KXLI/KXLT has a long history of public service programming. As stated, KXLI had its own local nightly news program and weekly public affairs program for over three years. When KXLT became operational, the nightly news program and the weekly public affairs programs were broadened to include issues and events that were of interest to the Rochester viewers. These programs were eventually dropped due to lack of viewer interest. They were replaced with an ongoing Community Bulletin Board and a Community Calendar service which were aired throughout the broadcast day and updated daily. For many years KXLI broadcast live the parade which is the highlight of St. Cloud's summer festival, "Wheels, Wings, & Water". KXLI produced and sponsored the annual Christmas tree lighting and carol singing program put on by the downtown merchants.

Since 1988, KXLI/KXLT has focused on a philosophy of family oriented programming as well as Christian religious programming, in part to "counter-program" the violence and sexual excesses of today's network programming. In 1988, KXLI/KXLT broadcast live the Good Friday services from St. Mary's Cathedral of St. Cloud.

Under our current Television Affiliation Agreement with the Home Shopping Network KXLI/KXLT, broadcasts programming OTHER than HSN programming at least eighteen hours per week. In addition, KXLI/KXLT preempts HSN programming when management believes they have other programming that better serves the public interest. Specifically, KXLI/KXLT preempted HSN programming on September 27, 1992, to air an hour special entitled "Jerusalem: Your Date With Destiny" and on January 24, 1993, to air The 700 Club With Pat Robertson Telethon for ten hours. Each year the 48 hour period of Christmas Eve and Christmas Day is filled with Christian programming appropriate for the season. Last year it included specials from most of our religious program suppliers that normally air on Sunday as well as the Salvation Army's special "My Favorite Christmas" and the HSN produced special on missing children, "Bring Them Home".

## B. LOCAL PUBLIC SERVICE PROGRAMMING

KXLI/KXLT currently airs three programs that are locally produced and focus on local viewership. "Speak The Word" is an half hour Christian program produced by a non-denominational church in Golden Valley, Minnesota, that solicits viewers to visit their church; it airs twice each Sunday. "Emmanuel Christian Center" is a one and a half hour church service aired on a one week tape delay basis each Sunday morning. If the reinstatement of Must Carry occurs, this program would be aired live. The last is an hour program KXLI/KXLT airs Monday through Friday that provides information about cultural, educational, and recreational activities throughout Minnesota. The format of this last program is being changed to include segments on communities throughout the state provided by and/or produced in conjunction with their respective Chambers of Commerce in fulfillment of the theme "Discover Minnesota".

## C. CHILDREN'S PUBLIC SERVICE PROGRAMMING

In fulfillment of the FCC's children's programming requirement KXLI/KXLT currently airs: "Super Book" a half hour animated program of stories from the Bible, and "Pet Playhouse" a half hour program that teaches the proper ways to care for and feed your pets, as well as educational segments on the animal world in general. KXLI/KXLT have attempted to obtain additional children's programming that fits our philosophy but have been turned down due to our limited audience potential caused by the current lack of any cable system carriage and the absence of our program schedule in any of the local newspapers TV programming listings. As an example, KXLI/KXLT attempted to license "Power Play" a one hour music video program of rock music with a Christian foundation. The program solicited teenagers with drug, alcohol, or abuse problems to call an 800 number to obtain help. Even though KXLI/KXLT's programming philosophy fit the program producer's, they opted to license the program to a Minneapolis-St. Paul station that provided cable carriage and afforded listing in the local newspapers.

## D. SUMMARY

Since joining the Home Shopping Network, KXLI/KXLT have aired 16 different programs weekly that have fulfilled their public service responsibility not to mention all of the Public Service Announcements (PSA's) provided by the various governmental agencies and non-profit organizations. The quality of KXLI/KXLT public service programming is as good if not better than it has ever been. However, the current quantity is less than it used to be and definitely less than what KXLI/KXLT WANTS it to be. The facts support the premise that if cable carriage Must Carry is reinstated for KXLI/KXLT, their ability and opportunity to broadcast additional public service programming will be significantly improved. Attached as exhibit D is a copy of KXLI/KXLT's most recently filed quarterly programming report to the FCC.

## V. COMMUNITY SUPPORT FOR KXLI/KXLT

The best measure of community support is the extent of direct contact a station receives from its viewers. KXLI/KXLT as HSN affiliates requires this direct contact or KXLI/KXLT ceases to exist. As mentioned previously the Home Shopping Network currently has 41,000 club members in the KXLI/KXLT viewing area. They became members by watching HSN programming on our stations and ordering merchandise. Most TV stations are unable to identify directly who is watching their programming but KXLI/KXLT can. In fact, we know where our viewers are county by county and zip code by zip code. The typical avenues of learning your viewer opinions of your program offering is through phone calls and letters. When technical problems occur and the stations go off the air, the phone rings off the hook - "WHERE IS HOME SHOPPING?" And yes, the stations do receive complaints, they usually are conveyed by letter instead of phone calls. Attached as exhibits E through H are four letters the stations have received since joining HSN. Almost all complaints relate to: drop the public service, childrens, and religious programming and give us home shopping 24 hours a day 7 days a week or "Why can't I get you on my cable system anymore?"

## VI. KXLI/KXLT INVOLVEMENT IN THE COMMUNITY

Again, KXLI/KXLT have a long history of community involvement. Probably the two highest profile activities have been:

The internship program KXLI developed with the Mass Communications Department of St. Cloud State University. This program requires a student to be a full-time employee of the station for one college quarter that provides the student full college credit for the quarter as well as a paid stipend from the station. The student is provided hands-on experience in all facets of station operations.

The antenna promotion in conjunction with the Minnesota North Stars. This project was an attempt to address the reception problem mentioned previously which resulted from all other stations serving the greater Twin Cities metro area transmitting from one antenna farm. Ten thousand custom antennas were manufactured that were specifically tuned to the KXLI-41 frequency. Any viewer who had problems receiving the 41 signal because their home antenna faced Shoreview could install this antenna on their antenna mast and face it toward the KXLI transmitter to receive a quality signal.

Over the years KXLI/KXLT have sponsored, participated in, donated to, or supported numerous activities and events in the local area promoting the public interest such as:

- \* Sponsorship of Goodwill, United Way, and Easter Seal events and donation drives.
- \* Sponsored and televised an annual "Toy Give Away" program with a local store at Christmas.
- \* Donated broadcast equipment and used tapes to area schools churches, and small businesses. In fact, KXLI donated a 2 inch tape system and tapes to the local cable system that now refuses to carry KXLI in its own city of license.
- \* Loaned equipment and personnel at no charge to local schools and churches to assist in their drama productions.
- \* Provided station tours to local schools and children's organizations. In fact, a Cub Scout group is scheduled for this coming March 30.

## VII. CONCLUSION

KXLI/KXLT wholeheartedly support the inclusion of "stations that are predominantly utilized for the transmission of sales presentations or program length commercials" under the pending Must Carry provisions of the Cable Television Consumer Protection Act of 1992. Philosophically KXLI/KXLT advocates minimum government regulations in a free market society. However, since national communication systems by definition need to be a regulated industry, it behooves the regulators to establish rules and regulations that facilitate a "level playing field" for all participants.

KXLI/KXLT support the premise that the viewers have the right to determine WHAT programming they wish to view and the FCC should not attempt to regulate programming content beyond that which is not in the public interest.

The denial of cable carriage to stations that predominantly program sales presentations has far greater negative ramifications for said stations than initially meets the eye as detailed previously in these comments. Specifically for KXLI/KXLT they probably would go off the air again but this time permanently. Lack of cable carriage is the primary factor that local newspapers give for refusing to print KXLI/KXLT's program schedule. In fact, one of the sports articles in the Minneapolis newspaper on March 5, 1993, talked about when the Minnesota North Stars were once broadcast by KXLI "on the since demised Ch. 41". Because KXLI is not offered by his cable system nor listed by his newspaper he thinks KXLI is no longer on the air.

*KXLI/KXLT respectively requests the commission to provide KXLI/KXLT the opportunity to compete against the other broadcast stations in their respective markets on an equal basis.*

*Sincerely*

A handwritten signature in cursive script that reads "Ron Eikens". The signature is written in dark ink and is positioned below the word "Sincerely".

*Ron Eikens*  
*General Manager*

*enclosures*